

House File 590 - Introduced

HOUSE FILE 590

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 139)

A BILL FOR

- 1 An Act relating to the use of electronic communication devices
- 2 while driving, and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.210, subsection 2, paragraph e, Code
2 2017, is amended by striking the paragraph.

3 Sec. 2. Section 321.276, Code 2017, is amended to read as
4 follows:

5 **321.276 Use of electronic communication device while driving**
6 ~~—text-messaging.~~

7 1. For purposes of this section:

8 ~~a. "Engage in a call" means talking or listening on a mobile~~
9 ~~telephone or other portable electronic communication device.~~

10 "Electronic communication device" means an electronic device
11 capable of being used to compose, send, receive, or read an
12 electronic message. "Electronic communication device" includes
13 but is not limited to telephones, personal digital assistants,
14 and portable or mobile computers, but does not include devices
15 that are physically or electronically integrated into a
16 motor vehicle, including but not limited to integrated global
17 positioning systems and navigation systems.

18 ~~b. "Hand-held electronic communication device" means a mobile~~
19 ~~telephone or other portable electronic communication device~~
20 ~~capable of being used to write, send, or read a text message.~~
21 ~~"Hand-held electronic communication device" does not include a~~
22 ~~voice-operated or hands-free device which allows the user to~~
23 ~~write, send, or read a text message without the use of either~~
24 ~~hand except to activate or deactivate a feature or function.~~
25 ~~"Hand-held electronic communication device" does not include a~~
26 ~~wireless communication device used to transmit or receive data~~
27 ~~as part of a digital dispatch system. "Hand-held electronic~~
28 ~~communication device" includes a device which is temporarily~~
29 ~~mounted inside the motor vehicle, unless the device is a~~
30 ~~voice-operated or hands-free device. "Electronic message" means~~
31 a self-contained piece of digital communication, whether verbal
32 or written, that is designed or intended to be transmitted
33 between electronic communication devices. "Electronic message"
34 includes but is not limited to telephone calls, video calls,
35 electronic mail, text messages, instant messages, and commands

1 or requests to access an internet site.

2 ~~c. "Text message" includes a text-based message, an instant~~
3 ~~message, and electronic mail.~~

4 ~~d. The terms "write", "send", and "read", with respect~~
5 ~~to a text message, mean the manual entry, transmission, and~~
6 ~~retrieval of a text message, respectively, to communicate with~~
7 ~~any other person or device.~~

8 2. A person shall not use a ~~hand-held~~ an electronic
9 communication device ~~to write, send, or read a text message~~
10 while driving a motor vehicle unless the motor vehicle is at a
11 complete stop off the traveled portion of the roadway.

12 a. A person does not violate this section by using a ~~global~~
13 ~~positioning system or navigation system or when, for the~~
14 ~~purpose of engaging in a call, the person selects or enters a~~
15 ~~telephone number or name in a hand-held mobile telephone or~~
16 ~~activates, deactivates, or initiates a function of a hand-held~~
17 ~~mobile telephone~~ an electronic communication device in a
18 hands-free mode.

19 b. The provisions of this subsection relating to ~~reading a~~
20 ~~text message~~ the use of an electronic communication device do
21 not apply to the following persons:

22 (1) A member of a public safety agency, as defined in
23 section 34.1, performing official duties.

24 (2) A health care professional in the course of an emergency
25 situation.

26 (3) A person ~~receiving safety-related information including~~
27 ~~emergency, traffic, or weather alerts~~ using an electronic
28 communication device for the purpose of reporting an emergency
29 situation, including any continued communication with emergency
30 personnel during the emergency situation.

31 (4) A person using an electronic communication device
32 by pressing a single button to initiate or terminate a voice
33 communication.

34 3. Nothing in this section shall be construed to authorize
35 a peace officer to confiscate a ~~portable~~ an electronic

1 communication device from the driver or occupant of a motor
2 vehicle.

3 4. ~~a.~~ A person convicted of a violation of this section
4 is guilty of a simple misdemeanor punishable as a scheduled
5 violation under [section 805.8A, subsection 14](#), paragraph
6 "1". However, a person driving a motor vehicle in violation
7 of this section before July 1, 2018, shall not be convicted
8 of a violation of this section and shall be issued a warning
9 memorandum.

10 ~~b.~~ A violation of this section shall not be considered a
11 moving violation for purposes of [this chapter](#) or rules adopted
12 pursuant to [this chapter](#).

13 5. ~~A peace officer shall not stop or detain a person solely~~
14 ~~for a suspected violation of [this section](#). [This section](#) is~~
15 ~~enforceable by a peace officer only as a secondary action when~~
16 ~~the driver of a motor vehicle has been stopped or detained for~~
17 ~~a suspected violation of another provision of [this chapter](#), a~~
18 ~~local ordinance equivalent to a provision of [this chapter](#), or~~
19 ~~other law.~~

20 6. 5. The department, in cooperation with the department of
21 public safety, shall establish educational programs to foster
22 compliance with the requirements of [this section](#).

23 Sec. 3. Section 321.555, subsection 2, Code 2017, is amended
24 to read as follows:

25 2. Six or more of any separate and distinct offenses within
26 a two-year period in the operation of a motor vehicle, which
27 are required to be reported to the department by section
28 321.491 or [chapter 321C](#), except equipment violations, parking
29 violations as defined in [section 321.210](#), violations of
30 registration laws, violations of [sections 321.445](#) and [321.446](#),
31 ~~violations of [section 321.276](#)~~, operating a vehicle with an
32 expired license or permit, failure to appear, weights and
33 measures violations and speeding violations of less than
34 fifteen miles per hour over the legal speed limit.

35 Sec. 4. Section 805.8A, subsection 14, paragraph 1, Code

1 2017, is amended to read as follows:

1. ~~Text-messaging~~ Use of electronic communication device
while driving violations. For violations under [section 321.276](#),
the scheduled fine is thirty dollars.

5	EXPLANATION
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6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 Under current law, Code section 321.276 prohibits the
9 use of hand-held electronic communication devices to write,
10 send, or read text messages while driving a motor vehicle.
11 This bill expands that provision to prohibit any use of an
12 electronic communication device while driving. An electronic
13 communication device is a device capable of being used to
14 compose, send, receive, or read an electronic message, and
15 includes telephones, personal digital assistants, and portable
16 or mobile computers, but does not include devices physically
17 or electronically integrated into a vehicle. An electronic
18 message is a self-contained piece of digital communication,
19 whether verbal or written, that is designed or intended to
20 be transmitted between electronic communication devices, and
21 includes telephone calls, video calls, electronic mail, text
22 messages, instant messages, and commands or requests to access
23 an internet site.

24 The bill includes in the prohibition the use of a global
25 positioning system or navigation system on an electronic
26 communication device, and exempts the use of an electronic
27 communication device for the purpose of reporting an emergency
28 situation, or by pressing a single button to initiate or
29 terminate a voice communication.

30 The bill eliminates the provision prohibiting a peace
31 officer from stopping or detaining a person solely for a
32 suspected violation of Code section 321.276, and makes a
33 violation of Code section 321.276 a moving violation. Under
34 current law, a moving violation can be considered for purposes
35 of administrative suspension of a driver's license or to

1 establish habitual offender status.

2 The bill rewords the applicable scheduled fine provision
3 to comply with the bill. The scheduled fine for a violation
4 of Code section 321.276 remains \$30. Under Code section
5 321.482A, if the violation causes a serious injury, a court
6 could impose an additional fine of \$500 or suspend the person's
7 driver's license for not more than 90 days, or both. If the
8 violation causes a death, a court could impose an additional
9 fine of \$1,000 or suspend the person's driver's license for not
10 more than 180 days, or both. The bill provides that a person
11 driving a vehicle in violation of the bill before July 1, 2018,
12 shall not be convicted of the violation and shall be issued a
13 warning memorandum.